

REMARKS

In the Office Action, claims 17 and 18 were objected to. Claims 10-13, 15 and 17-19 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 6,312,471 to Kubein-Meesenburg et al. ("Kubein") in view of European Patent No. EP0610146 to Chauvin ("Chauvin"). Claim 16 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kubein in view of U.S. Patent No. 5,009,665 to Serbousek et al. ("Serbousek").

In this response, claims 17 and 18 have been amended. Upon entry of the amendments, claims 10-13 and 15-19 will be pending.

Reconsideration of the application based on the following remarks is respectfully requested.

Objections to claims 17 and 18

Claims 17 and 18 were objected to because of informalities.

Claims 17 and 18 have been amended to recite "diameter of one of" as suggested by the Examiner. Withdrawal of the objections to claims 17 and 18 is respectfully requested.

Rejection under 35 U.S.C. § 103 (a) in view of Kubein and Pria

Claims 10-13, 15 and 17-19 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kubein in view of Chauvin.

Kubein describes an artificial condyle for use in a human hip joint in which the condyle has a spherical joint shell. *See* Kubein, Abstract. Kubein fails to teach any cogging formed between the socket part and the inlay.

Chauvin describes a prosthesis with insert 4 having teeth 4b which cooperate with notches 3b of core 3 to enable a placement of core 3. *See* Chauvin Fig. 1 and lines 18-19 of the translation. Snap ring 3d and cord 4d as seen in Figure 3 of Chauvin insure that the core 3 is aligned in a single plane and prevent any further alignment of core 3.

The Examiner admits that Kubein does not teach the feature of cogging formed between the socket part and the inlay, and the Examiner uses the teachings of Chauvin to cure the deficiency.

Applicants have now amended claim 10 to recite that the cogging allows an alignment of the joint relative to both a frontal and a sagittal plane of the patient. Support is found, for example, in paragraph [0020] of the originally filed specification. Claim 17 has been additionally amended to correct for antecedent basis.

Applicants respectfully submit that Chauvin does not teach this feature. Instead, Chauvin merely describes insert 4 insertable in core 3 and locked in position by teeth 4b and corresponding notches 3b. *See Chauvin, Fig. 2.* Indeed, teeth 4b and notches 3b along with snap ring 3d and cord 4d allow the insert to be locked in a position in a single plane, but the single row of teeth positioned around a circumference of the insert prevent any kind of alignment relative to both the frontal and sagittal planes as recited in claim 10.

Accordingly, the combination of Kubein and Chauvin does not teach or suggest that the cogging allows an alignment of the joint relative to both a frontal and a sagittal plane of the patient. Withdrawal of the rejections of claims 10-13, 15 and 17-19 under 35 U.S.C. § 103 (a) is respectfully requested.

Rejection under 35 U.S.C. § 103 (a) in view of Kubein and Serbousek

Claim 16 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Kubein in view of Serbousek.

Serbousek describes an acetabular cup for use in cement fixation having at least one flat area on its generally hemispherical outer surface. *See Serbousek, Abstract.*

Applicants respectfully submit that Serbousek does not cure the deficiencies of Kubein and that Serbousek does not describe cogging allowing an alignment of the joint relative to both a frontal and a sagittal plane of the patient. Serbousek merely describes cement fixation of a hip prosthesis to the bone.

Therefore, Serbousek does not cure the deficiencies of Kubein and Chauvin, and withdrawal of the rejection to claim 6 is respectfully requested.

CONCLUSIONS

In view of the above amendment, applicant believes the pending application is in condition for allowance.

The Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this submission, including any additional filing or application processing fees required under 37 C.F.R. §1.16 or 1.17, or to credit any overpayment, to Deposit Account No. 12-1216.

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Respectfully submitted,

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